In the High Court of Punjab and Haryana at Chandigarh.

CR No.5375 of 2007
Date of decision: 18.10.2007.

Gurudwara Sadh Sangat of village Barnala Kalan, Tehsil and Distt. Nawanshahr.

... Petitioner

Versus

Gram Vikas Sabha, Barnala Kalan, Tehsil and Distt. Nawanshahr and another.

... Respondent.

Present: Ms.Geeta Sharma, Advocate,e for the petitioner.

PERMOD KOHLI, J. (Oral):

This revision is directed against the order dated 08.08.2007 passed by the learned Additional District Judge, Nawanshahr, whereby an application under Order 6 Rule 17 of the Code of Civil Procedure, for amendment of the plaint, filed by the respondent, has been allowed.

During the pendency of the suit, after the written statement was filed by the present petitioner, the respondent plaintiff made an application for amendment of the plaint on the ground that in the written statement the defendants have relied upon a notification dated 09.10.1999. The plaintiff

accordingly prayed for the amendment of the plaint to challenge the said notification and also to raise an additional plea of mandatory injunction in view of the subsequent development.

The learned trial Court after hearing the learned counsel for the parties has allowed the amendment as prayed.

I have heard the learned counsel for the petitioner and perused the impugned order.

In the impugned order it has been held that the suit is at the initial stage. By the amendment neither the nature of the suit is changed nor any prejudice is likely to be caused to the present petitioner who is defendant in the suit. The amendment is necessitated in view of the reply filed and the subsequent development which fact is not disputed. Under these circumstances, I find no legal or factual infirmity in the impugned order.

In view of the above, there is no merit in the revision petition and the same is hereby dismissed in limine with no order as to costs.

18.10.2007. (PERMOD KOHLI)
BLS JUDGE

Note: Whether to be referred to the Reporter? YES/ NO